

## **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on May 29, 2008. At the time the Examiner mailed the Office Action claims 1-9 are pending, and 16-20 are withdrawn. By way of the present response the Applicants have: 1) amended no claims; 2) added no claims; and 3) canceled claims no claims. As such, claims 1-9 are now pending.

### **35 U.S.C. § 103 Rejections**

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendrickson, et al. U.S. 6,754,470 (hereinafter "Hendrickson").

In the current Office Action mailed 5/29/08, the Examiner points to col. 11, lines 36-40; col. 15, lines 8-16; and col. 16, lines 15-16 for the following limitation of claim 1:

Receiving from said wireless network an inquiry generated by a first user of said wireless network, said inquiry having predetermined responses associated therewith, and receiving from said wireless network an attribute provided by said first user as a criteria for identifying recipients of said inquiry;

The Examiner then states the following:

A questionnaire may be invoked to prompt responses from wireless users. Also, emails may be exchanged among wireless panel members. It is known in the art that an email may be generated by user and distributed to multiple users. See also col. 7, lines 12-24, where panel members may be selected/identified based on a number of criteria. See also col. 7, lines 1-11, where data gathering software invokes an "inquiry" into the events/activities of mobile device users with predetermined responses such as applications and features used as well as location of the mobile device when such applications/features are in use.

(Office Action mailed 5/29/08; page 4, last paragraph to page 5, first paragraph)(emphasis added). Applicants note, however, that the questionnaire taught in Hendrickson in col. 11, lines 36-40 is generated by a User Identification Module (UIM). The questionnaire generated by the UIM is to gather attribute information for users. For instance, Hendrickson states in col. 11, lines 37-40:

The UIM 230 is responsible for collecting data from the user of the wireless device 100 through invoking a questionnaire in certain circumstances and prompting the wireless user to input desired information. Examples of information collected by the UIM 230 include User name, Date of birth, Sex, Race, Income, Address, Marital status, Education, Occupation, and User authentication or password.

Therefore, the questionnaire taught in Hendrickson is generated by the UIM to gather attribute information—not generated by a first user of the wireless network. This is further supported above where the Examiner states in the excerpt above that “data gathering software invokes an ‘inquiry’ into the events/activities of mobile device users with predetermined responses such as applications and features used as well as location of the mobile device when such applications/features are in use.” (Emphasis added). Again, the inquiry with predetermined responses taught in Hendrickson is generated by the system itself—not by a user on the wireless network—for the purpose of acquiring attribute information for users on the wireless network. Therefore, Applicants respectfully submit that the citations provided by the Examiner do not demonstrate that Hendrickson teaches or suggests “receiving from said wireless network an inquiry generated by a first user of said wireless network, said inquiry having predetermined responses associated therewith. Moreover, Applicants

respectfully submit that the citations provided by the examiner-- col. 11, lines 36-40; col. 15, lines 8-16; and col. 16, lines 15-16—do not teach or suggest receiving from said wireless network an attribute provided by said first user as a criteria for identifying recipients of said inquiry. Applicants also point out that while Hendrickson describe email in a general way, Hendrickson does not describe how email might be used within the context of these claimed features.

In the current Office Action, the Examiner states the following:

Hendrickson et al. does not expressly disclose that the inquiry is generated by or that the attribute is provided by a first user. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability...Further, it would have been obvious to a person of ordinary skill in the art for a first user of the network to generate an inquiry and provide the attribute because doing so provides a predictable result since indicating whether an inquiry and attribute for identification is generated automatically or by a user shares the same result of a generate inquiry and provided attribute.

(Office Action mailed 5/29/08; page 4, last paragraph to page 5, first paragraph).

As pointed out above, the questionnaire with predetermined responses discussed by the Examiner is generated by the UIM to gather attribute information. Therefore, the system and method taught in Hendrickson transmits an inquiry -- generated by itself -- to users of said wireless network. This is patentably distinct and functionally different from the claimed invention which receives an inquiry -- generated by a first user. Not only are the two functionally different, but generating an inquiry and transmitting that inquiry would change the

way the recited method steps would be performed. Moreover, Applicants respectfully submit that given that Hendrickson teaches transmitting an inquiry generated by itself to users of said wireless network, it would not be obvious to a person of ordinary skill in the art to have a first user of the network generate an inquiry and provide the attribute because the system itself generates and transmits the inquiry to the users.

Claim 1 requires, in part, "receiving from said wireless network an inquiry generated by a first user of said wireless network...and receiving from said wireless network an attribute provided by said first user as a criteria for identifying recipients of said inquiry". Thus Hendrickson does not teach or suggest all the limitations of claim 1, and does not anticipate or make claim 1 obvious. Applicants respectfully submit that independent claim 1, and claims 2-7 which ultimately depend from claim 1, are in a condition for allowance.

Claims 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendrickson as applied above, and DeVries U.S. Patent 6,968,179 (hereinafter "DeVries"). As stated above, Hendrickson does not teach or suggest receiving from said wireless network an inquiry generated by a first user of said wireless network...and receiving from said wireless network an attribute provided by said first user as a criteria for identifying recipients of said inquiry. Further, DeVries does not cure this deficiency. Therefore, Applicants respectfully submit that claims 8-9 are in a condition for allowance.

### CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully submitted,  
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